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Response Under 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3731

Docket No. CRD-989

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David Majercak et al. Confirmation No.: 2104
Appln. No. : 10/056,725
Filed : January 25, 2002
Title : STENT WITH ENHANCED CROSSABILITY

Art Unit : 3731
Examiner : V. Nguyen

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(Date of Signature)

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RESPONSE TO OFFICE ACTION DATED NOVEMBER 2, 2004

Dear Sir:

The response to the Office Action dated November 2, 2004 is a request for reconsideration by the Examiner.

Therein, claims 1-4 and 6-8 were rejected under 35 USC §102(e) as being anticipated by Fischell et al., U.S. Patent No. 6,190,403. Yet, the Examiner seems to ignore that in his own his *own* rejection he neglects to identify a limitation which is simply not present in Fischell. That is, the last line of claim 1 requires that the straight segments of each of the individual flexible links "lie generally along the longitudinal axis of the stent."

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It is clear that in Fischell the straight segments (such as those identified by 19b by the Examiner) lie generally *transverse* to the longitudinal axis of the stent. Accordingly, the Examiner cannot possibly assert that claims 1-4 and 6-8 are anticipated by Fischell. For this reason alone, it is earnestly solicited that the rejection should be removed and the claims allowed to pass to issuance.

In the event that the Examiner does not allow the current claims, a Notice of Appeal has been filed concurrently herewith, and Applicants will take the current rejection to appeal.

Respectfully submitted,

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